

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DEREK STANTON LAMAR,
Plaintiff,

v.

PAUL EBERT,
Defendant(s).

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Civil Action No. 7:12-cv-00385

MEMORANDUM OPINION

By: Norman K. Moon
United States District Judge

Derek Stanton Lamar, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By Order entered August 30, 2012, the court directed plaintiff to submit within ten (10) days from the date of the Order his signed Consent to Fee. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than ten (10) days have elapsed, and plaintiff has failed to comply with the described conditions and return the Consent to Fee. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 20th day of September, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE